

REMARKS

Claims 1, 2, 4 and 7-10 have been amended. Claims 1-10 remain pending in the application. A minor reference number correction has been made in paragraph 12 of the specification. Reconsideration and withdrawal of the final rejection are respectfully requested.

Applicant gratefully acknowledges the indicated allowability of claims 1-10 if clarified to overcome the 35 U.S.C. § 112 rejections. Accordingly, as the foregoing amendments address these rejections, it is respectfully requested that all claims are now in condition for allowance.

In particular, the Office Action rejected claims 1-10 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner referenced paragraphs 7 and 8 of the specification in stating that “in normal operating mode, using the diagnostic device, the bus user normally receiving the message can be caused to output the message...”. Applicant respectfully submits, however, that the specification clearly states otherwise. The diagnostic device has a diagnostic operating mode that differs from the normal operation. Indeed, paragraph 7 in particular, states that “in an operating mode *which differs from the normal operation, using the diagnostic device*, of the bus user...” (emphasis added). This is also clear from paragraph 6, which confirms that the diagnostic operating mode is different from the normal operation, for the diagnosis of a message transmission. Hence, Applicant

respectfully submits independent claims 1 and 7 are fully enabled by the written description.

In that regard, it should be pointed out that independent claims 1 and 7 recite methods for detecting a disturbance (claim 1) and diagnosing a message transmission (claim 7). The dependent claims further specify the diagnosis of the source of the disturbance or failure.

In the Office Action, claims 1-10 were additionally rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Examiner objected to the use of the language “intended” recited in claims 1, 2 and 7. Accordingly, Applicant has amended these claims to delete this language in order to prevent any confusion. Hence, all claims are now submitted to be definite and in compliance with the restrictions of 35 U.S.C. § 112.

In view of the foregoing, Applicant respectfully requests the allowance of claims 1-10. An early notice to that effect is solicited.


If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

Serial No. 10/805,326
Amendment Dated: July 19, 2007
Reply to Office Action dated April 19, 2007
Attorney Docket No. 080437.53193US

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 080437.53193US).

Respectfully submitted,

July 19, 2007


Jeffrey D. Sanok
Registration No. 32,169

CROWELL & MORING, LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
JDS:gtm:pct